

SECRET
The Director

Central Intelligence Agency

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Honorable Walter D. Huddleston, Chairman
Subcommittee on Charters and Guidelines
Select Committee on Intelligence
United States Senate
Washington, D. C. 20510

Dear Mr. Chairman:

I have your letter of 21 July 1977 (R#9090) which, among other things, requests my views on the necessity of retaining section 102(c) of the National Security Act of 1947, which authorizes the Director of Central Intelligence, notwithstanding the provisions of other law, to terminate Agency employment "in the interests of the United States."

I view this authority as an indispensable underpinning for the effective management of this Agency. This Agency is entrusted with highly sensitive and delicate activities on behalf of our Government, possesses some of the Nation's most sensitive secrets, must maintain an overall personnel profile compatible with changing mission requirements, and needs to introduce new talent to preserve organizational vitality. Section 102(c) is an essential tool in achieving the goals of accountability, professionalism, judgment, security, and appropriate personnel mix.

The opportunity for serving in the CIA is a distinct privilege and our expectations from our employees must be equally high. Recently, the employment relationship of two persons who had served us well in the past and had fine potential for the future was severed because they did not demonstrate the requisite professionalism and judgment. I must have the ability to exercise strict control over and complete confidence in the manner in which employees in this Agency perform their duties.

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It should be noted that authority similar to 102(c) exists for national security purposes for other departments and agencies, including the National Security Agency (50 U. S. C. 833) and the Departments of State, Justice, and Defense (5 U. S. C. 7531).

Most Federal employees have a statutory expectancy of continued employment and can be removed only for such cause as will promote the efficiency of the service and they are entitled to appeal the decision. Although the statutory outcome is different under section 102(c) because of the need for secrecy in intelligence matters, I believe the system must be just, if for no other reason than the practical one that foreign intelligence services assign overriding priority to penetration of this Agency by uncovering and exploiting the weaknesses of personnel. Controls on the fairness of the system are also represented by the oversight bodies that exist within both the Executive and Legislative Branches.

Enclosed please find the statistical breakdown you requested on the use of section 102(c) authority over the past 15 years. Unfortunately, this Agency does not maintain statistics on those employees terminated under section 102(c) who were later declared eligible for U. S. Government employment by the U. S. Civil Service Commission, as the responsibility for obtaining Civil Service eligibility rests with the employee.

Yours sincerely,

STANSFIELD TURNER

Enclosure

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